

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-4, 7-10, 12-14 and 16 are pending in the application. Claims 1-4, 7-10, 12-14 and 16 are amended; and Claims 5-6, 11 and 15 are canceled by the present amendment. Claims 1-4, 7-10, 12-14 and 16 are amended to correct minor informalities. No new matter is presented.

In the outstanding Official Action; Claims 9-16 were rejected under 35 U.S.C. § 112, second paragraph; Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyashita et al. (U.S. Patent No. 5,604,606, hereinafter "Miyashita") in view of Herloski (U.S. Patent No. 5,773,818, hereinafter "Herloski"); Claims 2 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miyashita in view of Herloski and further in view of Background Art; Claims 3, 5, and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada et al. (U.S. Publication No. 2002/0105135, hereinafter "Sawada") in view of Herloski; Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Miyashita in view of Herloski in further in view of Tsai (U.S. Patent No. 5,999,277); Claims 10, 11, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada in view of Herloski, Tsai and further in view of Background Art; Claims 4, 6, and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada et al. in view of Herloski, Tsai and further in view of Adachi et al. (U.S. Patent No. 5,144,458, hereinafter "Adachi"); Claims 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sawada in view of Herloski, Tsai, Background and Adachi.

The undersigned appreciatively acknowledges the courtesy extended by Examiner Williams and Primary Examiner Allen by holding a personal interview with the undersigned on February 8, 2005. During the interview, an overview of the claimed invention was

presented and the present claims were discussed in light of the applied references. In response, Examiner Williams agreed that the present claims “overcame the rejection of Miyashita and Sawada”. Accordingly, the remarks presented during the interview are reiterated below.

The Official Action rejected Claims 9-16 under 35 U.S.C. § 112, second paragraph, as indefinite for having no antecedent basis for the claimed feature of “a contact image sensor module having”. In response, pending independent Claims 9, 10 and 12 are amended to recite an image reading apparatus comprising “two contact-type image sensor modules, each comprising ...” to clarify that the claimed image reading apparatus includes two contact-type image sensor modules, as depicted in an exemplary non-limiting embodiment at Fig. 12 of the present specification. Dependent Claims 13, 14 and 16 are similarly amended to reflect the language recited in amended independent Claims 9, 10 and 12.

Accordingly, Applicant respectfully requests that the rejection of Claims 9-16 under 35 U.S.C. § 112, second paragraph be withdrawn.

In the outstanding Official Action, independent Claims 1 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Miyashita in view of secondary references. Applicants respectfully submit that amended independent Claims 1 and 9 state novel features clearly not taught or rendered obvious by the applied references. Specifically, Applicants submit that Miyashita fails to teach or suggest the claimed feature for which it is relied upon as a primary reference under 35 U.S.C. § 103.

Independent Claim 1 recites, *inter alia*, a contact-type image sensor module comprising:

- a light source configured to irradiate two or more sorts of light including infrared light on a document;
- a lens configured to focus light reflected from the document;
- a light receiving part configured to receive the reflected light focused by the lens;

a housing configured to contain at least the lens and light-receiving part; and
a transparent element to which the document draws near or comes into contact with, the transparent elements supported by the housing, ***and provided on an area thereof through which the reflected light passes with infrared light shielding extending to a width of 0.1-0.4 mm in a direction orthogonal to that in which the document travels.***

Amended independent Claim 9 recites substantially similar features to those recited in amended independent Claim 1. Therefore, the arguments presented below apply to both Claims 1 and 9.

In addressing the above-emphasized claimed feature, the outstanding Official Action relies on a transparent element (3) and a light shielding part (4), depicted in Fig. 3 of Miyashita. However, the shielding (4) is placed in areas of the transparent element (3) through which no light is intended to pass, and includes a plurality of portions at each side of an opening and the transparent element (3). Specifically, as described in col. 5, lines 12-17 of Miyashita the light shield layer (4) is provided at a position on the top surface of the transparent glass (3), at a portion other than the reading portion, which is opposed to the light source (2), and the light shield layer (4) serves to eliminate undesired light reflected from the contact glass surface. Thus, the light shield layer (4) of Miyashita is clearly directed to preventing the passage of light at any are outside of the reading portion.

This is in clear contrast to amended Claim 1 which recites that the transparent element includes an area ***through which the reflected light passes with infrared light shielding***. As noted above, Miyashita describes that the light shield layer (4) eliminates undesired light reflected from the contact glass surface, thus, the shielding of Miyashita does not allow ***reflected light to pass***, as recited in amended Claim 1. Further, as admitted in the outstanding Official Action, Miyashita fails to teach or suggest that infrared light is emitted in his device whatsoever, thus the shield layer (4) in Miyashita does not provide ***reflected light to pass with infrared light shielding***, also a feature recited in amended independent Claim 1.

Further, as depicted in Fig. 3 of Miyashita, the shielding portion (4) is located on two portions of the transparent glass (3), which are both larger than the opening between the shielding portions that allow light to reflect from the document to lens (5). Thus, Miyashita does not indicate the dimensions of the shielding portions, but the shielding clearly does not *extend to a width of 0.1-0.4 mm in a direction orthogonal to that in which the document travels*, as recited in amended Claim 1.

Accordingly, Applicants respectfully submit that Miyashita fails to teach or suggest a transparent element having an area *through which the reflected light passes with infrared light shielding extending to a width of 0.1-0.4 mm in a directional orthogonal to that in which the document travels*. Further, none of Herloski, Tsai, nor Background Art remedy this deficiency. Therefore, none of the cited references, neither alone nor in combination, teach nor suggest the above distinguished features recited in Claims 1, 2, 9 and 13 by virtue of independent recitation or dependency. Therefore, the applied reference has failed to make a *prima facie* case of obviousness with regard to many of these claims.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 2, 9 and 13 under 35 U.S.C. § 103 be withdrawn.

Independent Claims 3, 7, 10 and 12 were rejected under 35 U.S.C. § 103 as unpatentable over Sawada in view of secondary references. Applicants respectfully traverse this rejection as Sawada fails to teach or suggest the claimed features for which it is asserted as a primary reference under 35 U.S.C. § 103(a).

Amended independent Claim 3 recites, *inter alia*, a contact-type image sensor module comprising:

...a document guide to which the document draws near or comes into contact with, the document guide is supported by the housing attachably to or detachably from the housing, *and is configured to fix the transparent element*.

Independent Claims 7, 10 and 12 recite substantially similar features. Therefore, the arguments presented below also apply to these claims.

In addressing the above-emphasized features recited in amended Claim 1, the outstanding Official Action relies on Fig. 1 of Sawada. Specifically, the outstanding Official Action cites the housing (10), and the transparent plate (11) through which reflected light passes, and asserts that the transparent element (11) is both the transparent element and the document guide, as recited in amended Claim 3.

However, amended Claim 3 recites the document guide is supported by the housing attachably to or detachably from the housing, ***and is configured to fix the transparent element***. As depicted in exemplary, non-limiting embodiment at Fig. 7, the document guide (12) is supported by the housing (6) and is configured to fix the transparent element (51). Thus, the document guide and transparent element are claimed as separate components, and the document guide is configured to fix the transparent element.

As noted above, the outstanding Official Action relies on the transparent plate (11) as both the document guide and the transparent element. However, it is clear that the transparent plate (11) in Sawada does not fix itself, and is not fixed by any components resembling a ***document guide***, as recited in amended Claim 3. Instead, the transparent plate (11) is clearly supported by the housing (10), or by way of some type of coupling mechanism (e.g., adhesive, screws, etc.) to the housing.

Therefore, Sawada fails to teach or suggest a contact-type image sensor module including a document guide to which a document draws near it comes into contact with ***which is supported by the housing attachably or detachably from the housing, and is configured to fix the transparent element***, as recited in amended independent Claim 3.

Further, none of Herloski, Tsai, Background Art, nor Adechi, remedied the above noted deficiency. Therefore, none of the cited references, neither alone not in combination,

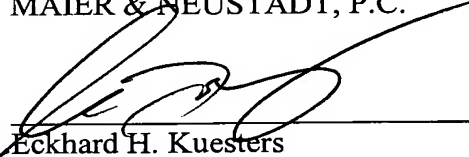
teach or suggest Applicants' Claims 3-4, 7-8, 10 and 12-14 and 16, which include the above distinguished feature by virtue of independent recitation or dependency. Therefore, the applied references fail to make a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicants respectfully submits that the rejection of Claims 3-4, 7-8, 10 and 12-14 and 16 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-4, 7-10, 12-14 and 16 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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